

Message Text

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ACTION OES-09

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 6632

C O N F I D E N T I A L SECTION 1 OF 2 BUENOS AIRES 5657

DEPT PASS MARINE MAMMAL COMMISSION

FROM USDEL ANTARCTIC

E.O. 11652: GDS

TAGS: XV, EFIS, TGEN, AR

SUBJECT: SECOND SPECIAL CONSULTATIVE MEETING ON ANTARCTIC
LIVING MARINE RESOURCES

REF: BUENOS AIRES 5568

1. BEGIN SUMMARY. NEGOTIATIONS JULY 19-21 IN SPECIAL
CONSULTATIVE MEETING TOOK PLACE IN PARALLEL MEETINGS
OF HEADS OF DELEGATION AND AD HOC SCIENTIFIC WORKING
GROUP. SCIENTIFIC GROUP PRODUCED AGREED REVISIONS TO
ARTICLE 2, PARAGRAPH 3 (CONSERVATION STANDARD) AND
ARTICLE 8, PARAGRAPH 2 (CONSERVATION MEASURES) OF
CHAIRMAN'S DRAFT. TEXTS REFERRED TO HEADS OF
DELEGATION GROUP JULY 21. LATTER GROUP ENGAGED
IN DETAILED EXCHANGES ON JURIDICAL ARTICLES, VOTING
PROCEDURES, SYSTEM OF INSPECTION, FINANCING OF THE REGIME,
AND ARRANGEMENTS FOR THE DECISIVE MEETING, INCLUDING
QUESTION OF PARTICIPATION BY EEC. JURIDICAL ARTICLES
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WERE UNDER ATTACK FROM USSR, POLAND AND JAPAN WITH
LATTER TAKING LEAD. US TABLED ITS PROPOSAL ON VOTING--
QUALIFIED MAJORITY PLUS SPECIAL OBJECTION PROCEDURE. IT
RECEIVED FAVORABLE ATTENTION FROM CLAIMANTS AND NON-
CLAIMANTS ALIKE AND MAY BE BASIS OF EVENTUAL COMPROMISE.
RESULTS IN HEADS OF DELEGATION GROUP, HOWEVER, HAVE
BEEN INCONCLUSIVE IN PART BECAUSE IT DOES NOT

OFFER INFORMAL AMBIANCE REQUIRED FOR REAL NEGOTIATION.
THEREFORE, IT WAS AGREED AT END OF JULY 21 THAT
INFORMAL GROUP BE FORMED AND BEGIN WORK JULY 24 ON
DRAFTING LANGUAGE ON KEY JURIDICAL AND VOTING ARTICLES.
OUTCOME OF MEETING WILL PROBABLY DEPEND ON WHETHER
THIS INFORMAL GROUP CAN PRODUCE NECESSARY ACCOMMODATIONS.
END SUMMARY.

WORK DURING THIRD, FOURTH, AND FIFTH DAYS OF BUENOS
AIRES SESSION OF SECOND SPECIAL CONSULTATIVE MEETING ON
ANTARCTIC LIVING MARINE RESOURCES PROCEEDED IN TWO
GROUPS. SPECIAL SCIENTIFIC GROUP HEADED BY RICHARD LAWS OF
THE U.K. MET TO CONSIDER ARTICLES 2 AND 8 OF CHAIRMAN'S
DRAFT TEXT RELATING TO CONSERVATION STANDARD AND AUTHORITY
OF COMMISSION; CHILEAN PROPOSAL PROHIBITING LAND-BASED
SUPPORT ACTIVITIES IN ANTARCTICA; AND ARGENTINE PROPOSAL
FOR RESERVE ZONE OFF ANTARCTIC CONTINENT WHERE ECONOMIC
ACTIVITIES WOULD BE PROHIBITED OUT TO 1000 FATHOM ISOBAR.
IN ADDITION, HEADS OF DELEGATION TOOK UP JURIDICAL
ARTICLES, VOTING FORMULA, INSPECTION AND OBSERVATION
SYSTEM, FINANCIAL FORMULA, INTERIM MEASURES, AND
PARTICIPATION IN DECISIVE MEETING.

3. ON WEDNESDAY, JULY 19, HEADS OF DELEGATION DEVOTED
ENTIRE DAY TO DISCUSSION OF JURIDICAL ARTICLES. IN
GENERAL, CLAIMANT STATES INDICATED SUPPORT FOR CHAIRMAN'S
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DRAFT, CHARACTERIZING IT AS THE MINIMUM ACCEPTABLE.
POLAND, JAPAN AND THE SOVIET UNION ATTACKED CHAIRMAN'S
TEXT AS UNBALANCED AND AS GIVING TOO MUCH OF AN EMPHASIS
TO COASTAL STATE JURISDICTION WITHIN THE ANTARCTIC
TREATY AREA. JAPAN AND THE SOVIET UNION SUBMITTED
PROPOSALS WHICH WERE NOT SUPPORTED. DEBATE ENDED
INCONCLUSIVELY, WITH IT BEING APPARENT THAT TEXT WOULD
HAVE TO BE CHANGED TO RECEIVE SUPPORT OF POLAND, JAPAN,
AND THE SOVIET UNION. ON OTHER HAND, OTHER
PARTICIPANTS ARE LIKELY TO FIND ANY CHANGES DIFFICULT,
EVEN IF THEY ARE OF AN OPTICAL NATURE.

4. ON THURSDAY, JULY 20, HEADS OF DELEGATION TOOK UP
VOTING FORMULA IN MORNING SESSION. US DELEGATION TABLED
ITS PROPOSAL WHICH INCLUDED A QUALIFIED MAJORITY WITH
TWO-PRONGED OBJECTION PROCEDURE AND IT BECAME FOCUS OF
DISCUSSION. ALL DELEGATIONS PRAISED US EFFORT AS IMAGINATIVE.
SEVERAL STATES (ARGENTINA, CHILE) WHICH HAD
PREVIOUSLY HELD UNANIMITY POSITIONS INDICATED SOME
QUALIFIED SUPPORT FOR US PROPOSAL IF CERTAIN MODIFICATIONS
WERE MADE. SOVIET AND POLISH DELEGATIONS WERE
ONLY SPEAKERS WHICH STATED OUTRIGHT THAT THEY CONTINUED

TO REQUIRE A UNANIMITY SYSTEM. MAJOR MODIFICATION
REQUIRED FOR US TEXT TO BE GENERALLY SUPPORTED WOULD
BE A SPECIAL ROLE OF SOME NATURE FOR CONSULTATIVE
PARTIES. IF SUCH COULD BE DEvised, US PROPOSAL WOULD
PROBABLY BE SUPPORTED BY ALL EXCEPT POLAND AND USSR.
OUTCOME ON THIS ISSUE IS, OF COURSE, CLOSELY LINKED TO
COUTCOME OF JURIDICAL ARTICLES AND INTERIM MEASURES.

5. IN AFTERNOON, JULY 20, HEADS OF DELEGATION TOOK UP
INSPECTION SYSTEM AND FINANCIAL FORMULA AND HELD AN
INFORMAL DISCUSSION WITH FAO REPRESENTATIVE JEAN CORROZ.
DISCUSSION OF FINANCIAL ARRANGEMENTS WAS INCONCLUSIVE AS
WAS DISCUSSION ON SYSTEM OF OBSERVATION AND INSPECTION
ON WHICH NEW ZEALAND, SOVIET UNION, AND JAPAN MADE
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NOTE BY OC/T: NOT PASSED MARINE MAMMAL COMMISSION.

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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 6633

C O N F I D E N T I A L SECTION 2 OF 2 BUENOS AIRES 5657

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FROM USDEL ANTARCTIC

PROPOSALS.

6. DURING MORNING OF JULY 21, HEADS OF DELEGATION TOOK UP QUESTION OF PARTICIPATION AT DECISIVE MEETING. THERE WAS AGREEMENT THAT IN ADDITION TO CONSULTATIVE PARTIES, STATES PRESENTLY ENGAGED IN HARVESTING AND RESEARCH ACTIVITIES WOULD BE INVITED (READ GDR AND FRG) AND FAO AND SCAR WOULD PARTICIPATE AS OBSERVERS. LIVELY DEBATE ENSUED OVER EEC PARTICIPATION, WITH MOST NON-COMMUNITY MEMBERS SEEKING A CLARIFICATION (WHICH WAS NOT FORTHCOMING) OF EEC COMPETENCE. SOVIET AND POLISH DELEGATIONS OPPOSED EEC PARTICIPATION EVEN AS AN OBSERVER.

7. AFTERNOON OF JULY 21 US TABLED ITS PROPOSAL ON INTERIM MEASURES AND MOVED THAT IT BE CONSIDERED INITIALLY BY SCIENTIFIC GROUP WITH CHARGE TO REPORT TO HEADS MEETING BY JULY 26. THIS TRIGGERED INTENSIVE DEBATE. SOVIET UNION SUPPORTED BY POLAND ARGUED THAT AGENDA DID NOT PERMIT CONSIDERATION OF INTERIM MEASURES. CONFIDENTIAL

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ALL OTHERS FAVORED CONSIDERATION OF INTERIM MEASURES BY THE SCIENTIFIC GROUP AND LATER BY THE MEETING ITSELF. ALTHOUGH IT WAS SUBSEQUENTLY AGREED, ON US SUGGESTION, THAT SCIENTIFIC GROUP WOULD MEET "INFORMALLY" TO CONSIDER SCIENTIFIC ASPECTS OF INTERIM MEASURES IN QUESTION, IT IS APPARENT THAT IT WILL BE DIFFICULT TO MAKE PROGRESS ON THIS ISSUE AT THIS MEETING.

8. ALSO ON AFTERNOON OF JULY 21 SCIENTIFIC WORKING GROUP, WORKING UNDER A MANDATE FROM HEADS OF DELEGATIONS, REACHED GENERAL AGREEMENT AFTER THREE DAYS OF EXTENSIVE DEBATE ON ARTICLE 2, PARAGRAPH 3 (CONSERVATION STANDARD) AND ARTICLE 8, PARAGRAPH 2 (CONSERVATION MEASURES WHICH MAY BE APPLIED) OF CHAIRMAN'S DRAFT TEXT. NEW LANGUAGE, ACCEPTABLE TO THE US, WAS REPORTED TO HEADS OF DELEGATION FOR CONSIDERATION. BASIC PRINCIPLES OF CONSERVATION STANDARD IN ARTICLE 2 REMAIN INTACT BUT HAVE BEEN CLARIFIED TO MEET OBJECTIONS OF HARVESTING STATES. CONSERVATION MEASURES WHICH MAY BE APPLIED REMAIN VIRTUALLY INTACT, WITH PROVISION IMPORTANT TO US RETAINED.

A. ARGENTINA MADE A NEW PROPOSAL TO ESTABLISH A CIRCUMPOLAR QUOTE ECOLOGICAL RESERVE END QUOTE OUT TO THE THOUSAND FATHOM ISOBATH, EFFECTIVELY THE AREA OVER THE ANTARCTIC CONTINENTAL SHELF. ALTHOUGH ARGENTINA SUPPORTED IT BY A QUOTE SCIENTIFIC ARGUMENT ENDQUOTE THAT THE AREA IS A SPAWNING AND NURSERY GROUND FOR MANY ANTARCTIC MARINE RESOURCES, MOST DELEGATIONS VIEWED THE PROPOSAL AS A THINLY VEILED ATTEMPT TO BOLSTER THE ARGENTINE CLAIMANT POSITION. THE CONCEPT WAS CONSIDERED SCIENTIFICALLY UNSUPPORTABLE BY MOST

DELEGATIONS, BUT ARGENTINA REQUESTED THAT THE PROPOSAL
BE REFERRED TO PLENARY FOR FURTHER DEBATE.
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B. CHILE MADE A NEW PROPOSAL TO PROHIBIT LAND SUPPORT
BASES FOR SUPPORT OF FISHING OPERATIONS OR FISH
PROCESSING ON ANTARCTIC CONTINENT OR ISLANDS. WHILE
SUPPORTED IN PRINCIPLE BY SEVERAL DELEGATIONS, IT WAS NOT
ENDORSED BY THE WORKING GROUP. SOME DELEGATION
INCLUDING US, ARGUED THAT ISSUE IS COVERED BY BOTH
THE AGREED MEASURES UNDER THE EXISTING ANTARCTIC
TREATY AND PROVISIONS OF THE NEW DRAFT CONVENTION.
MATTER WILL BE REFERRED TO PLENARY AT REQUEST OF CHILE.

9. HEADS OF DELEGATION, AFTER HEARING SCIENTIFIC GROUP
REPORT AFTERNOON JULY 21, DEFERRED DISCUSSION OF MODIFICATIONS
TO ARTICLES 2 AND 8 UNTIL NEXT WEEK BUT DID ADDRESS
ARGENTINE AND CHILEAN PROPOSALS. MOST SPEAKERS INDICATED
ACCEPTANCE OF REPORT, WITH CHILE AND ARGENTINA STATING A
BELIEF THAT THEIR PROPOSALS NEEDED FURTHER STUDY.

10. COMMENT. ALTHOUGH DELEGATION IS ENCOURAGED BY
PRELIMINARY AGREEMENT ON CONSERVATION PROVISION IN
ARTICLES 2 AND 8 OF CHAIRMAN'S DRAFT, SITUATION WITH
REGARD TO OTHER KEY PROVISIONS--THE JURIDICAL
ARTICLES AND THE DECISION-MAKING SYSTEM--IS LESS
ENCOURAGING. THE BIFOCAL APPROACH CONTAINED IN THE
CHAIRMAN'S DRAFT HAS COME UNDER ATTACK FROM JAPAN,
USSR, AND POLAND AS TO ITS EFFECT SOUTH OF 60 DEGREES
SOUTH AND FROM FRANCE AS TO ITS EFFECT NORTH. AT PRESENT,
ONLY PROMISING LINE OF APPROACH MAY BE REFORMULATION
OF CHAIRMAN'S JURIDICAL ARTICLES BUT IN SUCH FASHION
AS TO RETAIN BIFOCAL APPROACH, TO WHICH NO WORKABLE
ALTERNATIVE HAS BEEN PROPOSED. INFORMAL GROUP WHICH
BEGINS JULY 24 WILL BE FORUM FOR THIS EFFORT.
SITUATION ON DECISION-MAKING SYSTEM IS FLUID: USSR
AND POLAND CONTINUE TO PUSH UNANIMITY, BUT US QUALIFIED
MAJORITY OBJECTION PROCEDURE HAS DRAWN SUPPORT ON
EXPRESSIONS OF SERIOUS INTEREST FROM MOST OTHER
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DELEGATIONS INCLUDING LATINS. IT MAY BECOME BASIS
OF COMPROMISE IF SOLUTION TO JURIDICAL ARTICLES FOUND.
WHILE INTERIM MEASURES PROBLEM HAS BEEN BROUGHT UP AND ITS
IMPORTANCE ACKNOWLEDGED AND EMPHASIZED BY ALL EXCEPT

USSR, POLAND, AND JAPAN, IT WILL BE DIFFICULT TO GET
MORE THAN INITIAL EXPLORATION AND DISCUSSION OF
IT AT THIS MEETING. END COMMENT.
CASTRO

NOTE BY OCT: NOT PASSED MARINE MAMMAL COMMISSION.

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